

## **REMARKS**

Claims 1, 3-17, 19-23, and 26-28 are pending in the present application. By this response, Applicant cancels claims 2, 18, 24, 25, and 29. Applicant amends claims 1, 3-17, 19-23, and 26-28. Support for the amendments to claims 1, 3-17, 19-23, and 26-28 may be found in the original specification, and the amendment do not present new matter. More specifically, claims 1 and 3-16 are amended to recite receiving precision screening information based on real time screening information. Claims 17, 19-23, and 26-28 are amended to be consistent with claims 1 and 3-16. Applicant respectfully requests reconsideration of the claims in view of the above amendments and the following remarks.

### **I. 35 U.S.C. § 101, Alleged Non-Statutory Subject Matter in Claims 13-16**

The Office rejects claims 13-16 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The Office Action states that the claims do not define a computer-readable medium that is executed. Applicant amends claim 13 to recite that the computer program product comprises a computer useable medium having a computer program embodied thereon and the computer readable program, when executed on a computing device, causes the computing device to perform the recited functions. Claims 14-16 depend from claim 13, and, thus, are statutory for the same reasons.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 13-16 under 35 U.S.C. § 101.

### **II. 35 U.S.C. § 102, Alleged Anticipation of Claims**

The Office rejects claims 1-16 under 35 U.S.C. § 102(e) as being allegedly anticipated by *Logan et al.* (U.S. Patent Publication No. 2006/0218579). Applicant respectfully traverses this rejection.

*Logan* teaches an apparatus and methods for broadcast monitoring. The cited portions of *Logan* state:

[0039] The depicted receiver unit 12 couples to the antenna 14 to receive a broadcast programming signal. A broadcast programming signal includes television programs,

including traditional broadcast television, satellite television and cable television programs, radio programs, Internet broadcast programs, or any other type of program that is transmitted for reception by an audience. This term also includes programming content that is already stored and that could be viewed at any time, such as Internet downloads or other forms of video-on-demand, as well as material stored on DVD, CD, or video tape and distributed physically through stores or the mail. In the case of Internet downloads, or other forms of video-on-demand, there is no local storage of content. The storage takes place at a commonly-shared server, which then "dishes" out the content on demand. Typically, these systems allow the user to fast forward, pause, etc., using local controls. A marking signal of the invention is used to personalize such server-stored content in the same manner as it is used to personalize locally-stored content. The marking signal allows a user to personalize server-stored content by using the supplied marking signal in conjunction with the local controls supplied by the video-on-demand service provider.

[0049] The editing unit 42 depicted in FIG. 1 can be an IBM PC compatible computer workstation that executes a computer program that configures the workstation into the depicted editing unit 42. In one embodiment, the editing unit 42 can provide to the operator an input device. The operator/editor can be the user of the system, the broadcaster of the content itself, or any third party. The operator employs the input device to create a marking signal that represents locations in the compressed programming signal stored in the memory system 18 that are associated with certain attributes of the content found before or after those locations. For example, an operator can generate a marking signal that represents a location in the content stream that denotes the beginning of a new news item in a news broadcast. The marking signal could also include text describing the content of the news segment to follow. The viewer of video monitor 32 can issue instructions such as ones to review the text summary, to jump to a particular location in the broadcast content, or delete the segment following the location denoted by the marking signal. In one embodiment, the operator enters a sequence that denotes the beginning of the portion of the compressed broadcast programming signal that the user may want to delete. The editing unit 42 detects the input sequence and reads a time signal from the time stamp 48 and stores in the editing unit 42 memory a time signal

representative of the start-time of the delete-able portion of the programming signal. At a subsequent time, the operator enters a stop sequence that is detected by the editing unit 42. Similarly, the editing unit 42 reads the time stamp generated by the time stamp 48 and stores a stop signal in the editing unit memory. The editing unit 42 then generates, as a function of the start signal and stop signal, a marking signal that represents as a function of the time stamps, that portion of the broadcast programming signal that can be deleted. The editing unit 42 can transmit via the communication system 40 the marking signal to the communication system 38. The processor 34 can receive from the communication system 38 the marking signal. The processor 34 can determine the start time of the delete-able portion of the broadcast programming signal and can operate the memory system 18 to search for a time stamp proximate to the time stamp of the start time represented in the marking signal. The user, if so desired, can then instruct processor 34 to delete that portion of the stored compressed programming signal that is associated with time stamps having values between the start and stop times of the marking signal.

Thus, *Logan* teaches that an operator/editor uses an editing unit to mark a broadcast with a marking signal. The marking signal represents locations in the programming signal stored in the memory system that are associated with certain attributes of the content found before or after those locations. *Logan* teaches that the programming is stored in a server and that the operator/editor is allowed to fast forward, pause, etc. using local controls.

In contradistinction, the presently claimed invention, as recited in claim 1, for example, provides a system for screening broadcast programming that comprises a real time viewer configured to receive broadcast programming and to present the received broadcast programming to a user in real time and a real time interface configured to receive user input from a real time screener. The user input comprises real time screening information having at least a content of interest start time and end time that define a content of interest segment based on the received broadcast programming. *Logan* does not teach providing an interface for a **real time** screener to enter screening information **in real time**.

The present invention, as recited in claim 1, for example, also provides a precision review processor configured to receive the stored broadcast programming and the real time screening information and to present portions of the stored broadcast programming before and after the start time and end time and a precision interface configured to receive user input from a precision screener, the user input comprising precision screening information having a precise start time and end time for the content of interest segment. *Logan* does not teach a precision interface for receiving precision screening information that is based on the portions of the stored broadcast programming.

Furthermore, the present invention, as recited in claim 1, for example, also provides a central screening module configured to generate a real time screening signal based on the real time screening information and to generate a precision screening signal based on the precision screening information. *Logan* does not teach generating both a **real time** screening signal **and** a precision screening signal.

Independent claims 13 and 17 recite subject matter addressed above with respect to claim 1 and are allowable for similar reasons. Because claims 3-10, 14-16, 19-23, and 26-28 depend from claims 1, 13, and 17, the same distinctions between *Logan* and claims 1, 13, and 17 apply for these claims. In addition, claims 3-10, 14-16, 19-23, and 26-28 recite further combinations of features not taught or suggested by *Logan*.

More particularly, claims 3, 11, 16, and 19 recite receiving user input from a plurality of real time screeners, the user input comprising at least a content of interest start time and end time defining a content of interest segment based on the broadcast programming. The Office Action alleges that *Logan* teaches a plurality of interfaces because *Logan* teaches that the system can be designed to work with large audiences. However, the end users of the programming do not mark the programming with the marking signal. Rather, *Logan* teaches a single operator/editor for marking programming. Therefore, *Logan* does not anticipate claims 3, 11, 16, and 19. Because claim 12 depends from claim 11, the same distinctions between *Logan* and claim 11 apply for this claim. In addition, claim 12 recites further combinations of features not taught or suggested by *Logan*.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1 and 3-16 under 35 U.S.C. § 102(e).

The Office rejects claims 17-26 under 35 U.S.C. § 102(e) as being allegedly anticipated by *Maissel et al.* (U.S. Patent No. 6,637,029). Applicant respectfully traverses this rejection.

Claims 17, 19-23, and 26-28 are amended to be more consistent with claims 1 and 3-16. *Maissel* teaches an intelligent electronic program guide. *Maissel* teaches a receiver having an intelligent agent that receives television viewing behavior of one or more individual users. See *Maissel*, col. 11, lines 56-59. *Maissel* also teaches that the intelligent agent extracts characteristics that characterize the television program currently being viewed by the viewer. See *Maissel*, col. 12, lines 16-23. In addition, *Maissel* teaches customizing program schedule information based on viewer preference profiles. See *Maissel*, col. 18, lines 1-40.

In contradistinction, the presently claimed invention, as recited in claim 17 receives broadcast programming and presents the received broadcast programming to a user in real time and a real time interface configured to receive user input from a real time screener. The user input comprises real time screening information having at least a content of interest start time and end time that define a content of interest segment based on the received broadcast programming. *Maissel* does not teach providing an interface for a **real time** screener to enter screening information **in real time**.

The present invention, as recited in claim 17, for example, also receives the stored broadcast programming and the real time screening information and presents portions of the stored broadcast programming before and after the start time and end time and a precision interface configured to receive user input from a precision screener, the user input comprising precision screening information having a precise start time and end time for the content of interest segment. *Maissel* does not teach a precision interface for receiving precision screening information that is based on the portions of the stored broadcast programming.

Furthermore, the present invention, as recited in claim 17 also generates a real time screening signal based on the real time screening information and generates a precision screening signal based on the precision screening information. *Maissel* does not teach generating both a **real time** screening signal **and** a precision screening signal.

Because claims 19-23 and 26-28 depend from claim 17, the same distinctions between *Maissel* and claim 17 apply for these claims. In addition, claims 19-23 and 26-28 recite further combinations of features not taught or suggested by *Maissel*.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 17, 19-23, and 26 under 35 U.S.C. § 102(e).

### **III. 35 U.S.C. § 103, Alleged Obviousness of Claims**

The Office rejects claims 27-29 under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Maissel* in view of *Logan*. Applicant respectfully traverses this rejection.

Neither *Maissel* nor *Logan* teaches or suggests the features of claim 17, as discussed above. Therefore, *Maissel* and *Logan*, taken individually or in combination, fail to teach or fairly suggest the further features of claims 27 and 28. Thus, the proposed combination of *Maissel* and *Logan* does not render claims 27 and 28 obvious.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 27 and 28 under 35 U.S.C. § 103(a).

### **IV. Conclusion**

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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